



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/516,252 | 03/01/2000 | Patrick G Sobalvarro | 3654-2 | 3759 |

7590 01/06/2003

Nixon & Vanderhyde PC
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

GARG, YOGESH C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3625 | |

DATE MAILED: 01/06/2003

#10

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|--|---------------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/516,252 | SOBALVARRO ET AL. |
| | Examiner Yogesh C Garg | Art Unit 3625 |
| <i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i> | | |
| Period for Reply | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. | | |
| <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | |
| Status | | |
| 1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>01 March 2000</u> . | | |
| 2a) <input type="checkbox"/> This action is FINAL. 2b) <input checked="" type="checkbox"/> This action is non-final. | | |
| 3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. | | |
| Disposition of Claims | | |
| 4) <input checked="" type="checkbox"/> Claim(s) <u>1-74</u> is/are pending in the application. | | |
| 4a) Of the above claim(s) _____ is/are withdrawn from consideration. | | |
| 5) <input type="checkbox"/> Claim(s) _____ is/are allowed. | | |
| 6) <input checked="" type="checkbox"/> Claim(s) <u>1-74</u> is/are rejected. | | |
| 7) <input type="checkbox"/> Claim(s) _____ is/are objected to. | | |
| 8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement. | | |
| Application Papers | | |
| 9) <input type="checkbox"/> The specification is objected to by the Examiner. | | |
| 10) <input type="checkbox"/> The drawing(s) filed on _____ is/are: a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner. | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | |
| 11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. | | |
| If approved, corrected drawings are required in reply to this Office action. | | |
| 12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | |
| 13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | |
| a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: | | |
| 1. <input type="checkbox"/> Certified copies of the priority documents have been received. | | |
| 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. | | |
| 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | |
| 14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | |
| a) <input type="checkbox"/> The translation of the foreign language provisional application has been received. | | |
| 15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | |
| Attachment(s) | | |
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | | |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | | |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4,8,9</u> . | | |
| 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. | | |
| 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) | | |
| 6) <input type="checkbox"/> Other: _____. | | |

DETAILED ACTION

Claim Objections

1. Claims 17-19 are objected to because of the following informalities: In all these three claims the phrase, " The system of claim 1 " is to be replaced by "The system of claim 11". Appropriate correction is required.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "500a, 500b " in FIG.5 as described in the specification on page 31, lines 6-11. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8, 18, and 47 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. With regards to claims 8 and 18, it is unclear as what does the term "hash table" implies. Though there is a mention of "hash table" in the disclosure on page 33, lines 16-19 it is a repeat statement of the claim language without illustrating it through a drawing. In order to consider this limitation for further art rejection examiner has interpreted "hash table" as stored/tabulated information about the elements, like restaurants. Similarly the use of phrase "vector of package element schemata" in claim 47 is unclear. Disclosure does not illustrate as how "vector of package element schemata" is to be made and used except for repeating the statement of claim language (page 30, line 25). In order to consider this limitation for further art rejection examiner has interpreted to be a description of package.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-3, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis et al. (US 2002/0010668 A1), hereinafter, referred to as, Travis and in view of Jones et al. (US 2002/0156661), hereinafter, referred to as Jones.

With regards to claims 1, 2, 7, 9 and10, Travis teaches a method of offering items for sale in a Group comprising creating a package template including at least one mandatory element schema having an associated affinity space description, storing a description of each item, presenting for sale a package template, transmitting messages confirming consumer's order for the travel package over a digital communications network (see at least, page 1, paragraph 0002, paragraph 011, *.. The present invention provides an online system and method for marketing group of products.....shop for elements of an outdoor vacation experience* ", and page 2, paragraph 0018,

....Development of a targeted web offering.....The most basic components of the experience may be readily identifiable [e.g. a tour package and an airline ticket for a vacation experience.....but other components.....Cluster analysis may also be used to refine the selection of components....place orders for experiences ", FIGS 1 and 2.

Note: In Travis Tour packages correspond to creating package templates, airline ticket relates to the mandatory element schema and cluster analysis refers to affinity space description in the application. Cluster analysis helps to detect and identify items in proximity). Travis further teaches dynamically generating an html page containing a description of the package and transmitting the html page over a decentralized computer network to at least one consumer (see at least page 2, paragraphs 0015-0017, FIGS. 1 and 2).

Travis teaches using cluster analysis to refine the selection of components of the tour package (page 2, paragraph 0018) which will involve considering the affinity of the attributes of the components in their selection. Travis does not disclose defining an affinity space coordinate for each of the plural items available for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description. However, Jones, in the same filed of endeavor i.e. selling travel packages on Internet from web sites, discloses defining the affinity space coordinates of the plural items for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description (see at least page 2, paragraph 0034, “*..Travel database 140 represents a plurality of databases....flight information, hotel information....activity information....*”, paragraph 0036, “*....restaurant subsystem [ARS] 122 that identifies restaurants and activities ..*”, paragraph 0037, “*... a travel database 140 that relates to travel flight times and fares for each of the different airlines*”, page 3, paragraph 0041, “*... Then ATS 116 identifies the destination airport closest to the destination....*”, paragraph 0047, and paragraphs 0053- 0055,). In view of Jones, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis to define an affinity space coordinate for each of the plural items available for sale and comparing them with the affinity space description associated with the package template to check if the package template includes at least one item with a matching affinity space description. Doing so would enable the

consumer to select items as per his requirement, as suggested in Jones, " page 3, paragraph 0047, ".....*The user may accept one of the recommendations or reject all the recommendations.....CR126 re-executes searches using relaxed constraints and is used here to look for a larger range of hotels [step 440]....*", and paragraph 0053, ".....*The user makes various selections on the screen and the activity and restaurant subsystem performs various processing in response to these selections* ").

With regards to claims 3, and 6 Travis/Jones further discloses eliciting at least one constraint from a consumer which could be timing (see at least Jones, page 2, paragraph 0039, page 4, paragraph 0053).

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones and further in view of Lastminute.com (web site materials, received with IDS, paper number 4, consisting 32 web pages, extracted from Internet on 02/17/2000).

With regards to claims 4 and 5, Travis/Jones does not disclose that elicited constraint includes customer's mood or number of people traveling. However, in the same field of endeavor, Lastminute.com teaches both the constraints including the customer's mood and the number of people traveling (at least see page 4 under the heading, " *What are we trying to do ?.....wants to encourage spontaneous, romantic and sometimes adventurous behavior...*" and page 26, under Restaurants,...Table booking....No. of people....."). In view of Lastminute.com, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis/Jones to include the constraints of the customer's mood and number of persons

traveling. Doing so helps the consumers to live their dreams, as suggested by Lastminute.com (at least see page 4 under the heading, “ *What are we trying to do ?.....wants to encourage spontaneous, romantic and sometimes adventurous behavior by offering users to live their dreams....*”). The knowledge of the number of persons traveling helps to book the desired number of seats in restaurants/airplane or accommodation in hotels.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones in view of prior admitted art by the applicant.

With regards to claim 8, Travis/Jones teaches a method of offering items for sale in claim 1, as disclosed and analyzed above. Travis/Jones does not teach looking up a hash table of the items while comparing affinity space coordinates of the plural items with the affinity space description associated with the package template. Note: The claim language is unclear with regards to intended meaning of hash table. Examiner has considered the hash tables as information tabulated and stored about restaurants shown in FIGs. 4B and 4C of the disclosure. The concept of storing and tabulating information about restaurants with regards to their location, quality, popularity, type of cuisine, service is well known and is admitted a prior art in the disclosure (see at least page 30, lines 3-17, “...e.g., Zagat’s guide....”). Also it is well known that entities like J.D. Powers and associates and AAA do store, compile and tabulate affinity space coordinates about various products and services and that information is used by consumers and service providers. In view of the admitted prior art and knowledge

Art Unit: 3625

generally available it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Travis/Jones to disclose referring to a hash table showing information on affinity space coordinates for comparison to provide template packages/tour packages to the consumers. Doing so would help the customers to narrow down their selections as per their choices and also it will help the service providers to provide products and services in close proximity to the consumer's requirements.

8. Claims 11-22, 24-42, 44-49, 50-51, 53-54, 58-66, 70, 72-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Travis/Jones/Lastminute.com.

With regards to system claims 11-20 and 73, and method claims 21-22, 24-29, 32-45, 53-54, 58-63, 74, their limitations correspond to the limitations covered in method claims 1-10 and are therefore, analyzed and rejected similarly. Note: Travel arrangement and its components in claims 21-22, 24-29 relate to the items offered for sale in a group.

With regards to claims 30-31, Lastminute.com discloses components comprising last minute travel component (see at least page 2, ".....Search.....What can I do today....Going out....Stay in hotel...Fly away", page 6, "....How last minute is lastminute.com.....who sell package tours at any time of the year....").

With regards to claims 43, 48-49, and 72, Travis/Jones/Lastminute.com discloses that the package template includes a mandatory airline ticket and hotel and at least one optional element and returning possible combinations of components stored in the data

storage arrangement for human selection (see at least Jones, page 2, paragraph 0030, 0031, 0034, page 3, paragraph 0040. Note: "activity and restaurant information" in Jones relate to one optional element in the application). Note: all other limitations of claim 72 are covered in claims 1-10 as analyzed and rejected above.

With regards to claims 46-47, and 50-51, Travis/Jones/Lastminute.com discloses that package description includes at least one of text, images and animations (see at least Lastminute.com. The web pages, which are presented to the consumers, include text and images and descriptions of packages. Note: as indicated above, vector of package element schemata is interpreted as description of package. Lastminute.com does not show animation but the presenting data in animation form is well known as per the information generally available at the time of the invention) and incentive packages including at least one of a default margin, a coupon and a rebate (see at least Lastminute.com, page 8, "... *What are Award Minutes* ", page 24, "... *Collect Minutes* *Whenever you buy something we'll reward you with Minutes*").

With regards to claims 64-66, and 70, Travis/Jones/Lastminute.com teaches that items can comprise consumer electronic items, gifts, services and appliances (see at least Lastminute.com, page 2 which shows the products and services Lastminute.com website offers, and page 30 which displays, "... *Shop by category*").

9. Claims 23, 52, and 55-57 are rejected under 35 U.S.C. 103(a) as being obvious over Travis/Jones/Lastminute.com. in view of Official Notice.

With regards to claims 23, 52, 55, and 56 the concepts and benefits of screen scraping-drag and drop process- from HTML web pages, use of EDI interface, e-mail interface, and HTML supplier interface are well known in the field of Internet and e-commerce for acquiring data from html web pages, transmitting data between remote computers. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to use the concept and benefits of screen scraping from HTML web pages, use of EDI interface, e-mail interface, and HTML supplier interface in Travis/Jones/Lastminute.com. Doing so would help the consumers and service providers to acquire data from HTML web pages and transmitting data between remote computers.

10. Claims 67-69, and 71 are rejected under 35 U.S.C. 103(a) as being obvious over Travis/Jones/Lastminute.com in view of applicant's own disclosure.

With regards to claims 67-69, and 71, the system and methods as analyzed for traveling packages and its components would also be applicable for other services and products including legal services, real estate brokerage services, and home renovation services as evidenced by applicant's own disclosure (see disclosure, page 6, lines 9-17). Doing so would enable Travis/Jones/Lastminute.com. to view additional services as suggested by Travis/Jones/Lastminute.com (at least see Travis, page 1, paragraph 0011).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US PUB. NO.: 2002/0026336 A1 to Eizenburg et al., (see pages 1-7), US PUB. NO.: 2001/0044748 A1 to Maier (see pages 1-5), US Patent 6,447,520 B1 to Malaviya et al., US Patent 6,360,205 B1 to Iyengar et al. (see col.1, line 60-col.22, line 26), US Patent 6,304,850 B1 to Keller et al., US Patent 6,119,094 to Lynch et al. (see col.2, line 52-col.8, line 65) and US Patent 5,832,451 disclose selling travel packages on Internet using web sites.

(ii) US Patent 6,307,573 to Barros discloses a display control and information management system integrating the layered and slotted formatted data from both local and remote sources to provide a highly versatile information display (at least see abstract)

(iii) US Patent 6,285,986 B1 to Andrews discloses a system for selling groups of products and services (see at least col.1, line 25-col.14, and line 14).

(iv) US Patent 6,128,600 to Imamura et al. teaches an electronic shopping method and a system by defining products with respect to their components, such as travel packages, providing optional item information (see col.1, line 41-col.12, line 29).

(v) Koranteng, Juliana, " Online Service Tells Surfers It's Never Too Late To Shop ", Advertising Age International, Jan 2000, extracted from Database: Business

Art Unit: 3625

Source Corporate on Internet on 11/30/2002, pages 2, teaches selling travel/vacation packages including the constraint of requesting items at the last moment.

(vi) Web pages from www.lastminute.com site, October 13, 1999, pages 5, extracted from www.archive.org on 11/19/2002 disclose selling traveling packages on web site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F (8:30-4: (0).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
December 3, 2002


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600